IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

RP.No. 295 of 2007(K)

AGAINST THE JUDGEMENT IN WPC.31812/2006 Dated 30/11/2006

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REVIEW PETITIONER/RESPONDENT

KESAVAN VISWAMBHARAN, THERIVILAPUTHAN,
VEEDU, PORUNTHAMON, PULIMATHU VILLAGE.

BY ADV. SRI.M.R.RAJESH

RESPONDENTS/PETITIONER

NANDI GRANITES PVT.LTD., REPRESENTED
BY ITS DIRECTOR, R.SEKHAR, HOODI APARTMENT,
GROUND FLOOR NO.120, BANGALORE, KARNATAKA STATE,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
N.RAJARAM, S/O.V.NASHAPPA GOUNDER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

R.P.NO. 295 OF 2007

Dated 16th March 2007

O R D E R

As per judgment dated 13/11/2006 writ petition filed by respondent challenging the order in I.A.1849/05 in A.S.129/2005 was dismissed. While dismissing the writ petition, Sub court was directed to dispose the appeal expeditiously and in any event within six months from the date of receipt of copy of judgment. Writ petition was disposed at the admission stage. This petition is filed by respondent in the writ petition to review judgment with an application to condone the delay contending that appellant is intending to file an application before first appellate court to adduce further evidence under Order XLI Rule 27 of the Code of Civil Procedure and in such circumstances, fixing a time limit for disposing the appeal in the judgment is to be reviewed.

2. Learned counsel appearing for appellant and respondent were heard. I do not find any reason to review the judgment as sought for. Direction to

dispose the appeal expeditiously within a time limit does not mean that learned Sub Judge shall not consider an application filed under Order XLI Rule 27 of the Code. Appellate court has to consider applications, if any, filed in the appeal in accordance with law and dispose them on merits.

Review petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.